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09/410,332	10/01/1999	EDWARD B. KNUDSON	UV-111	6723

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/410,332

Applicant(s)

KNUDSON ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 24 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-80 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 4/2/03 have been fully considered but they are not persuasive.

1) Applicant argues, "According to applicants' independent claims 1, 22 and 43, the interactive television program guide displays a list having both simple categories and combination categories. There is no need, according to applicants' claimed invention, to traverse a hierarchical menu structure of categories and sub categories." (Page 11) "Florin at the very least, makes no mention of displaying a list of both simple categories and combination categories." (Page 12)

Regarding applicants' argument 1, Florin discloses in figures 22-32, a number of EPG screens, including various categories, as well as sub categories, in particular, Figure 29, shows a sports category, with a sub category baseball which shows several baseball program listings in a window 361, additional sub categories, such as football 317, basketball, auto racing, hockey and golf are shown as been selectable (column 17, line 63-column 20, line 16), several simple categories may be displayed simultaneously (Figure 28, sports category 315, Figure 24). The independent claims in the application are silent as to whether a user navigates the categories in a hierarchical fashion or not as well as simultaneous display of both simple and combination categories, thus Florin teaches displaying both simple and combination categories.

2) Applicant requests evidence of Examiner's official notice statements (pages 12-13).

Regarding 2, the examiner has removed the official notice statements and provided documentary proof in their place in accordance with the applicants' request.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 12-14, 16, 17, 19-26, 28, 33-35, 37, 38, 40-47, 49, 54-57, and 59-61, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,583,560 to Florin.

Regarding claims 1, 22, 43, and 62, Florin discloses in Figures 1-3 and 22-32, an electronic program guide system, program guide information is transmitted by a cable provider to a set top box from a cable provider 50 (column 10, lines 33-column 11, line 14), programs may be organized into categories and sub categories, and a user may navigate through the displayed category/subcategory combinations and display a list of programs which meet the category criteria (column 17, line 63-column 20, line 16).

Regarding claims 2, 23, 44, and 63, Florin discloses in Figures 3 and 22-32, an electronic program guide system that organizes programming by subcategory/subcategory, Figure 3b discloses that the category information is transmitted from the headend.

Regarding claims 3, 24, 45, and 64, Florin discloses in Figures 3 and 22-32, an electronic program guide system which organizes programming by hierarchical subcategory/subcategory listings, a user may navigate a general category prior to the sub categories (column 10, lines 33-column 11, line 14).

Regarding claims 4, 25, 46, and 65, Florin discloses in Figures 27-31, displaying only the matching program listings.

Regarding claims 5, 26, 47, and 66, Florin shows in Figure 30, a number of programs which displays matched favorites and marked programs along with non matching listings (column 19, lines 13-34).

Regarding claims 7, 28, 48, and 68, Florin shows in Figure 30, a number of programs which displays matched favorites and marked programs along with non matching listings (column 19, lines 13-34).

Regarding claims 12, 33, 54, and 73, Florin discloses in Figure 31, a frequently view category listing which prioritizes listed content based upon how often a user watches a program (column 19, lines 25-47).

Regarding claims 13,14, 34, 35, 55, 56, 74 and 75, Florin discloses in Figures 30-32 a number of favorite categories which may be personalized (column 19, line 4—65).

Regarding claims 16 and 37, Florin discloses in Figure 1, that the user equipment is user TV equipment.

Regarding claims 17, 38, 57, and 76, Florin discloses in Figures 3a/b that EPG information is provided by a cable provider (column 10, lines 33-66).

Regarding claims 19, 40, 59, and 78 Florin discloses in Figure 28, Sports category 315.

Regarding claims 20-21, 41-42, 60-61, and 79-80, Florin discloses in Figure 29, a sub category sports: baseball, which has a number of program listings.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 27, 48 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 5,987,448 to Evans.

Regarding claims 6, 27, 48, and 67, Florin shows in Figure 30, a number of programs which displays matched favorites and marked programs along with non matching listings (column 19, lines 13-34). Florin does not disclose the use of a distinctive color for matched programming, but instead uses a check mark (Figure 30). Evans discloses a search engine which scans documents and highlights search terms in different colors (column 2, lines 19-36, column 5, line 31-column 6, line 31). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin to use a distinctive color to indicate a match as taught by Evans, thereby allowing a user to readily find programming that matches their interests.

Claims 8-11, 29-32, 50-53, and 69-72, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of the Bookmark Management article.

Regarding claims 8-11, 29-32, 50-53, and 69-72 Florin shows in Figure 30, a number of programs which displays matched favorites and marked programs along with non-matching listings (column 19, lines 13-34). Florin does not disclose a user rearranging the order of items on a list and deleting a programming category and redisplaying the list. The Bookmark Management article disclose that bookmark entries may be deleted by a user and that a user may re organize them by adding a folder within the menu, naming that folder and then reordering the entries by highlighting them and dragging them into the folder so that a user doesn't have a long unwieldy list of websites. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin to allow a user to delete and reorder categories and listings as taught by the Bookmark Management, thereby enabling a user to personalize the program guide and only display content that they are interested in.

Claims 15, 18, 36, 39, 58 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 6,208,384 to Schultheiss and U.S. Patent 6,437,836 to Huang.

Regarding claims 15, 18, 36, 39, 58, and 77 Florin discloses that the receiver may be a set-top-box with CPU 63, memory 65 and cd-rom 70 (column 9, line 59-column 10, line 20) and that EPG information is provided by a cable provider (Figures 3a/b, column 10, lines 33-66). Florin does not disclose that the user equipment is a

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personal computer or transmitting EPG information via the Internet. Huang discloses that EPG data may be transmitted via the World Wide Web and may be user customized (column 3, lines 13-40). Schultheiss discloses a personal computer with an external interface card 16, which interfaces with a cable system 18a, internet system 18b, and satellite system 18c, a user may view a program guide on a PC and a tuner card is utilized to view a program on the PC (column 5, lines 1-10, column 7, line 51-column 8, line 2). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin to utilize a personal computer with a tuner card to view EPG information as taught by Schultheiss with the EPG information being transmitted over the internet as taught by Huang, thereby allowing a subscriber without a television to easily navigate programming choices and view them on their PC.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,177,931-B1 to Alexander: Systems and Methods for Displaying and Recording Control Interface with Television Programs, Video, Advertising Information and Program Scheduling Information.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not



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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

HBL  
June 4, 2003

  
ANDREW FAILE  
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